

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: ARC AIRBAG  
INFLATORS PRODUCTS  
LIABILITY LITIGATION

MDL No. 3051

Case No: 1:22-MD-3051-ELR

District Judge Eleanor L. Ross

**SPECIALLY APPEARING DEFENDANT AUDI  
AKTIENGESELLSCHAFT’S UNOPPOSED  
MOTION TO EXTEND ITS TIME TO RESPOND TO PLAINTIFFS’  
CORRECTED CONSOLIDATED CLASS ACTION COMPLAINT**

Specially Appearing Defendant Audi Aktiengesellschaft (“Audi AG”) hereby moves to extend its time to respond to Plaintiffs’ Corrected Consolidated Class Action Complaint (“CAC”). In support thereof, it states as follows:

1. On August 28, 2023, Plaintiffs filed a Corrected Consolidated Class Action Complaint asserting claims against numerous Defendants, including Audi AG. *See ECF 157.*
2. On December 4, 2024, Audi AG received service of the CAC under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the “Hague Convention”). Under Rule 12(a)(1)(A)(i), Audi AG’s deadline to respond to the CAC is December 26, 2024.

3. Audi AG intends to file a motion to dismiss for, among other potential defenses, lack of personal jurisdiction.

4. Under L.R. 7.1(B), Plaintiffs' deadline to oppose Audi AG's forthcoming motion to dismiss is January 9, 2025.

5. Audi AG would then have until January 23, 2025 to file its reply in support of its motion.

6. Several of these dates and deadlines fall during the holiday season. For example, Audi AG's deadline to file its motion to dismiss is the day after Christmas and the first full day of Hanukkah and Kwanzaa. Similarly, Plaintiffs' deadline to file opposition to the motion to dismiss is shortly after New Year's Day.

7. Furthermore, Audi AG officially shuts down during the holiday period and does not reopen until after the New Year.

8. To seek to avoid conflicts with the holidays, the company shutdown, and to consolidate the existing deadlines, the Parties met and conferred regarding a proposed amended briefing schedule agreeable to both sides.

9. The parties agreed to the following:

<b>Event</b>	<b>Current Deadline</b>	<b>Proposed Agreed Upon Deadline</b>
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Defendant's Motion to Dismiss	12/26/2024	01/24/2024
Plaintiffs' Opposition	01/09/2025	03/10/2025
Defendant's Reply	01/23/2025	04/09/2025

10. This Court may modify a briefing schedule for “good cause.” Fed. R. Civ. P. 16(b)(4). Courts have found good cause to avoid unnecessary conflicts with the holidays. *See Smith v. Conner*, No. 12-52, 2013 WL 178974, at \*2 (M.D. Fla. Jan. 17, 2013); *accord Neche, LLC v. Allied Ins. Co. of Am.*, No. 19-1016, 2020 WL 870224, at \*2 (D. Nev. Feb. 21, 2020).

11. By filing this Motion, Specially Appearing Defendant Audi AG does not waive any defenses, including its right to challenge personal jurisdiction or the sufficiency of service. *See* Fed. R. Civ. P. 12(h).

12. Plaintiffs do not oppose this motion. *See* Ex. A.

**WHEREFORE**, Specially Appearing Audi AG respectfully requests, without opposition from Plaintiffs, that the Court extend Audi AG’s time to respond to the CAC and adopt the briefing schedule described in this motion.

Respectfully Submitted,

/s/ Michael B. Shortnacy

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rules 5.1 and 7.1, I certify that the foregoing memorandum was prepared using Times New Roman 14-point font.

Date: December 20, 2024

*/s/ Michael B. Shortnacy*  
Michael B. Shortnacy

**CERTIFICATE OF SERVICE**

I certify that, on December 20, 2024, the foregoing document was served on all counsel of record via the court's CM/ECF e-filing system.

*/s/ Michael B. Shortnacy*  
Michael B. Shortnacy